IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 23055 of 2007(S)

AGAINST THE ORDER IN CMP.483/2007 IN MC.249/2004 of FAMILY COURT,KOZHIKODE

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PETITIONER:

RAVEENDRAN, S/O KANNAN,
ARAYATTUMMAL, NARIPPATTA AMSOM, DESOM,
VADAKARA TALUK.

BY ADV. SRI.PULIKKOOL ABUBACKER
SRI.ZUBAIR PULIKKOOL

RESPONDENTS:

1. CHANDRI P.P., D/O KELAPPAN,
PULIYULLAPARAMBATH, VELLIYOD AMSOM DESOM,
NEDUMPARAMBU P.O., VADAKARA TALUK.

2. RAJINA, MINOR 14 YEARS, D/O CHANDRI,
PULIYULLAPARAMBATH, VELLIYOD AMSOM,DESOM,
NEDUMPARAMBU P.O., VADAKARA TALUK.

3. AKILESH, MINOR 12 YEARS, D/O CHANDRI,
PULIYULLAPARAMBATH, VELLIYOD AMSOM,DESOM,
NEDUMPARAMBU P.O., VADAKARA TALUK.

4. NIKILESH, MINOR 12 YEARS, S/O CHANDRI,
PULIYULLAPARAMBATH, VELLIYOD AMSOM,DESOM,
NEDUMPARAMBU P.O., VADAKARA TALUK.

BY/

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ

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W.P.(C). NO. 23055 OF 2007

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Dated this the 27th day of July, 2007.

JUDGMENT

Kurian Joseph,J

Petitioner is aggrieved by Exts.P1, P3 and the related orders passed by the Family Court, Kozhikode. As per Ext.P1 the petitioner was set ex-parte. He filed Ext.P2 petition for setting aside the ex-parte order. That petition was allowed on payment of Rs.2000/- as costs on or before 14.06.2007. For the reason that the amount was not paid, the petition was dismissed as per Ext.P3. It is submitted that only owing to the circumstances beyond his control particularly due to the serious fever, the costs could not be paid within the stipulated time. The petitioner may file a petition for enlargement of time by a month from today, in which case the application shall be considered by the Family Court for enlargement of time and orders shall be passed permitting the petitioner to pay costs within the time permitted by the Family Court in the petition for enlargement of time. We make it clear that in case the petitioner does not file the petition within two weeks from today the writ petition will stand dismissed.

The writ petition is disposed of accordingly.

KURIAN JOSEPH, JUDGE.

T.R. RAMACHANDRAN NAIR, JUDGE.

rv

KURIAN JOSEPH &
T.R. RAMACHANDRAN NAIR, JJ

L.A.A. NO. 805 of 2001

13th day of July, 2007

JUDGMENT